

FILED: April 16, 1998

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-1604(L)
(CA-95-591-2)

BROWN & WILLIAMSON TOBACCO CORPORATION; LORILLARD
TOBACCO COMPANY; PHILIP MORRIS, INCORPORATED; RJ
REYNOLDS TOBACCO
COMPANY,

Plaintiffs - Appellants,

and

COYNE BEAHM, INCORPORATED; LIGGETT GROUP,
INCORPORATED,

Plaintiffs,

versus

FOOD & DRUG ADMINISTRATION; DAVID A. KESSLER, M.D.,
Commissioner of Food and Drugs,

Defendants - Appellees,

ATTORNEYS GENERAL OF THE STATE OF MINNESOTA; STATE
OF ALASKA; OF ARIZONA; STATE OF ARKANSAS; STATE OF
COLORADO; STATE OF CONNECTICUT; STATE OF FLORIDA;
STATE OF HAWAII; STATE OF ILLINOIS; STATE OF INDIANA;
STATE OF IOWA; STATE OF LOUISIANA; STATE OF KANSAS;
STATE OF MAINE; STATE OF MARYLAND; STATE OF
MASSACHUSETTS; STATE OF MICHIGAN; STATE OF MISSISSIPPI;
STATE OF MISSOURI; STATE OF MONTANA; STATE OF NEVADA;
STATE OF NEW HAMPSHIRE; STATE OF NEW JERSEY; STATE OF
NEW MEXICO; STATE OF NEW YORK; STATE OF NORTH
DAKOTA; STATE OF OHIO; STATE OF OKLAHOMA; STATE OF
OREGON; STATE OF PENNSYLVANIA; STATE OF RHODE ISLAND;
STATE OF SOUTH DAKOTA; STATE OF TEXAS; STATE OF UTAH;
STATE OF VERMONT; STATE OF WASHINGTON; STATE OF WEST
VIRGINIA; STATE OF WISCONSIN; THE CITY AND COUNTY OF
SAN FRANCISCO; PUBLIC CITIZEN; THE AMERICAN ACADEMY
OF PEDIATRICS; AMERICAN CANCER SOCIETY; AMERICAN

COLLEGE PREVENTIVE MEDICINE; AMERICAN HEART ASSOCIATION; AMERICAN LUNG ASSOCIATION; AMERICAN MEDICAL ASSOCIATION; AMERICAN MEDICAL WOMEN'S ASSOCIATION; AMERICAN PUBLIC HEALTH ASSOCIATION; AMERICAN SOCIETY OF ADDICTION MEDICINE; THE HMO GROUP; NATIONAL ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS; NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS; NATIONAL CENTER FOR TOBACCO-FREE KIDS; STATE OF KENTUCKY; WASHINGTON LEGAL FOUNDATION ("WLF"); MARIO ANDRETTI; DON GARLITS; AL UNSER; RUSTY WALLACE; CALE YARBOROUGH; RICHARD BURR, CASS BALLENGER, HOWARD COBLE, United States Representatives, LAUCH FAIRCLOTH, United States Senator,

Amici Curiae.

O R D E R

The Court directs that this case be reargued in Charleston, West Virginia on Tuesday, June 9, 1998.

Oral argument shall commence at 9:30 a.m.

For the Court

/s/ Patricia S. Connor

Clerk